

DECLARATORY

Improvement Res. No. 1046-1961

For the Vacation of Canal Terrace from the south property line of Dalgren Avenue to the south property line of the first alley south of Dalgren Avenue, except a circular portion at the north end.

Resolution Adopted:

June 12, 1961

Confirmed:

July 13, 1961

Bids Received:

Contract Awarded:

Contract and Bond:

Contractor:

Reported Completed:

Assessment Roll Confirmed:

August 24, 1961

B. O. 60

DECLARATORY RESOLUTION NO. 1046-1961

For the Vacation of Canal Terrace from the south  
property line of Dalgren Avenue to the south property  
line of the first alley south of Dalgren Avenue,  
except a circular portion at the north end.

*(original of easement  
sent to Dan to be  
recorded 10/23/61)*

PLANS ORDERED:

ADOPTED: June 12, 1961

ADVERTISE NOTICE TO PROPERTY OWNERS: June 16 and 23, 1961

Notices mailed June 30, 1961

HEARING ON CONFIRMATION: Thurs., July 13, 1961, 3:30 p.m.

CONFIRMED: July 13, 1961

ASSESSMENT ROLL ORDERED: July 13, 1961

ASSESSMENT ROLL APPROVED: August 8, 1961

HEARING ON CONFIRMATION  
OF ASSESSMENT ROLL: Thurs., August 24, 1961, 3:30 p. m.

NOTICE SERVED: August 11, 1961

ASSESSMENT ROLL CONFIRMED: August 24, 1961

† DECLARATORY RESOLUTION No. 1046 1961

For the Vacation - Opening - Condemnation of right of way for utility purposes from the south property line of Dalgren Avenue to the south property line of the first alley south of Dalgren Avenue, except a circular portion at the north end.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate Canal Terrace from the south property line of Dalgren Avenue to the south property line of the first alley south of Dalgren Avenue, except the portion described as follows: \*

(See Attached Sheet)

All as shown by a plan of such proposed Vacation - Opening - Condemnation of right of way for utility purposes as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana.

The cost of said Vacation - Opening - Condemnation of right of way for utility purposes shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such Vacation - Opening - Condemnation of right of way for utility purposes is described as follows: Lot No. 29, John F. Voss's Addition, 1st No. 1, France Addition and the Old Feeder Canal Bed, said additions inclusive to the City of Fort Wayne, Indiana.

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5) % per annum Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds except for such moneys as shall have been actually received by the City from the assessments for such property damage as said City is by said above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor shall be provided for in said above entitled act and all amendments thereto and supplements thereof.

The vacation of the above described street shall be subject to an easement for the use of the City of Fort Wayne, Indiana, and other public utilities for the construction and maintenance of sewers, water mains, gas mains, electric pole lines and conduits, telephone and telegraph pole lines and conduits.

All Streets, lots and lands affected by the above described vacation are situated in the northwest quarter of Section Twenty-Five, Township Fifteen, Range 12 East and are wholly within the corporate limits of the City of Fort Wayne, Indiana.

ADOPTED THIS 12

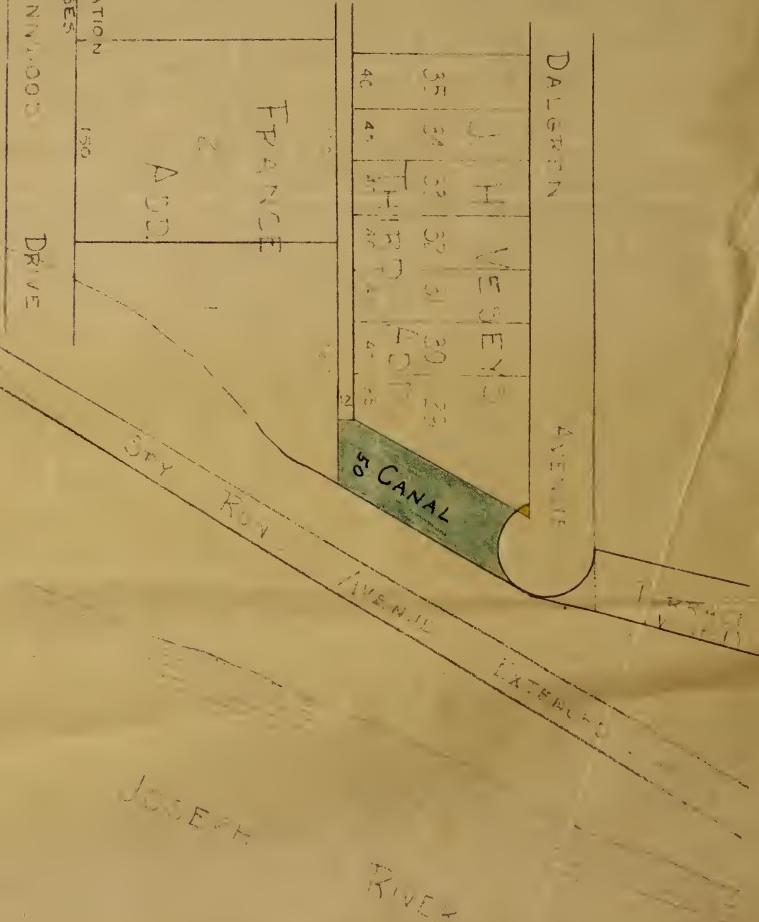
DAY OF June 1961

Attest:

Secretary Board of Public Works.

J. F. Voss  
F. L. Gandy  
Board of Public Works.

N



1046

STREET RIGHT-OF-WAY TO BE VACATED

+ Beginning at the intersection of the south line of Dalgren Avenue with the westerly line of Canal Terrace, thence southwesterly along the westerly line of Canal Terrace a distance of 20.6 feet; thence in an easterly direction along the Arc of a curve having a 40 foot radius a distance of 83.7 feet to the intersection of the south line of Dalgren Avenue with the easterly line of Canal Terrace, thence west along the south line of Dalgren Avenue a distance of 56.91 feet to the point of beginning.

NOTE: The westerly one-half of ~~the~~ vacated Canal Terrace shall become the property of the owner of Lot No. 29, John H. Vesey's 3rd Addition and the easterly one-half shall become the property of the owner of the Old Feeder Canal Bed, subject to easement restrictions as set out in the easement grant.

N

D A L E R O A D

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B. O. 30-160

Date July 13, 1961

To City Engineer

Subject Dec. 1046-1961 Vacation of Canal St.

Prepare Assessment Roll of Benefits and Damages; the property owners benefited to be assessed costs of advertising, in the amount of ----- \$34.36.

*17.18 - PER McGRAW*  
*B-2-61*

Paul F. Roembke  
John D. Lombard  
Berkeley Ward  
BOARD OF PUBLIC WORKS

ic  
attach Res. & P. O. List  
cc: Mayor Burns

Signed \_\_\_\_\_

Reply:

August 4, 1961

NOTED

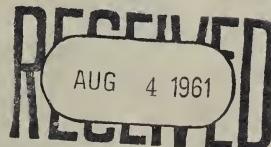
- P.F.R.  
 J.D.L.  
 B.W.

Date \_\_\_\_\_

Assessment roll of benefits and damages completed and attached.

  
Edward Green  
City Engineer

DEB:ld  
attach.



Signed \_\_\_\_\_

ENGINEERING  
DEPT. OF STREETS

TO: Board of Public Works

DATE March 22, 1961

SUBJECT: Board Order No. 30-1960

**1046**

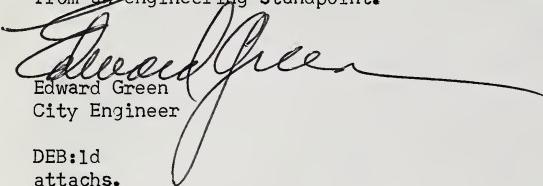
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4'

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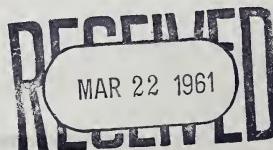
Per your memo of February 19, 1960, we are attaching a Declaratory Resolution, drawing and property ownership list for the vacation of Canal Terrace from the south property line of Dalgren Avenue to the south property line of the first alley south of Dalgren Avenue, except a circular portion at the north end.

At the request of the City Plan Commission, another resolution has been prepared for the condemnation of the northeast corner of Lot No. 29, J.H. Vesey's 3rd Addition, to provide a cul-de-sac on Dalgren Avenue.

This office has obtained a signed easement grant for the vacated street which will be recorded after the resolution is confirmed. There are no objections to this proposal from an engineering standpoint.

  
Edward Green  
City Engineer

DEB:ld  
attachs.  
cc: Mayor Paul M. Burns



# NOTICE OF IMPROVEMENT

## OFFICE BOARD OF PUBLIC WORKS

Fort Wayne, Indiana, ..... June 30, 1961 .....

1046

To.....

You are hereby notified that the Board of Public Works, of the City of Fort Wayne, Indiana, did  
Declaratory pass Improvement Resolution No. 1046-1961 providing for the Vacation of Canal Terrace from the south property line of Dalgren Avenue to the south property line of the first alley south of Dalgren Avenue, except a circular portion at the north end.

All work to be done under aforementioned Improvement Resolution shall be in accordance with the detailed plans, profile and specifications which are now on file and may be seen in the office of the Board of Public Works.

The Board has fixed..... Thursday, July 13, 1961 at 3:30 P. M. a date and time when they will hear and consider objections or remonstrances from all persons whose property will be affected by the proposed improvement.

You are hereby notified that

is subject to assessment for said proposed improvement under the Improvement Laws passed by the General Assembly of the State of Indiana, March 6, 1905, and under all acts amendatory thereto and supplemental thereof.

BOARD OF PUBLIC WORKS

ENGINEERING  
DEPT. OF STREETS

DATE February 15, 1962

TO: Board of Public Works

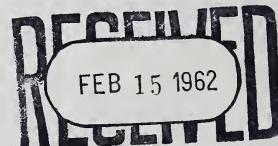
SUBJECT: Board Order No. 30-1960

A copy of the easement grant for Declaratory Resolution No. 1046-1961 which provides for the vacation of Canal Terrace from the south property line of Dalgren Avenue to the south property line of the first alley south of Dalgren Avenue, except a circular portion at the north end, is attached.

This grant has been signed by all property owners involved and recorded in the office of the Allen County Recorder. It should be filed with the resolution as a permanent record.

Copies have also been distributed to each Utility Company affected by this vacation.

*Edward Green*  
Edward Green  
City Engineer  
DEB:ld  
attach.  
cc: Mayor Burns



GRANT OF EASEMENT

Rec. 1046 - 1961

87(1)

THIS INDENTURE WITNESSETH, That the Undersigned Grantors, each over the age of twenty-one (21) years, for and in consideration of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged by the Grantors, do hereby CONVEY and WARRANT to the following named Grantees, and each of them, and their respective successors and assigns, namely, to-wit: INDIANA & MICHIGAN ELECTRIC COMPANY, an Indiana corporation, NORTHERN INDIANA PUBLIC SERVICE COMPANY, an Indiana corporation, GENERAL TELEPHONE COMPANY OF INDIANA, INC., an Indiana corporation, and CITY OF FORT WAYNE, INDIANA, a municipal corporation of the State of Indiana, a perpetual right of way and easement with the right, privilege and authority to the Grantees and each of them and to their respective successors and assigns (1) to construct, erect, operate, maintain, repair, renew and replace a line or lines (overhead and/or underground) with all necessary or convenient poles, crossarms, structures, conduits, ducts, mains, wires, cables, guys and other equipment and appurtenances, for the transmission, distribution and delivery of electrical energy or other power to the Grantors and each of them and to other persons, firms and corporations and to the public in general for light, heat, power, telephone, telegraph and all other purposes whatsoever in, upon, along, over, under, through or across the real estate hereinafter described; and (2) to lay, install, construct, operate, maintain, repair, renew and replace mains and a line or lines of pipe, with all necessary and convenient services, pipes, lines, connections, meters and other equipment and appurtenances, for the transportation and distribution of gas, water and/or sewage to the Grantees and each of them and to other persons, firms and corporations and to the public in general for light, heat, power and all other purposes whatsoever in, upon, along, over, under, through or across the real estate described below and being as follows:

Beginning at the southeast corner of Lot No. 29, John H. Vessey's 3rd

Addition to the City of Fort Wayne, Indiana; thence in a northeasterly direction along the easterly line of said Lot No. 29, a distance of 134.23 feet, to a point located 20.6 feet southwest of the northeast corner of said Lot No. 29; thence in an easterly direction along the arc of a curve having a 40 foot radius, a distance of 83.7 feet, to the intersection of the south line of Dalgren Avenue with the easterly line of Canal Terrace; thence in a southwesterly direction along the easterly line of Canal Terrace, a distance of 168.49 feet, to its intersection with the south line extended of the first alley south of Dalgren Avenue; thence west along the south line of said alley, a distance of 50.38 feet; thence north on a line parallel to the west line extended of said Lot No. 29, a distance of 12 feet, to the point of beginning.

TOGETHER with the right, privilege and authority to the Grantees, and each of them, and their respective successors and assigns, to cut and, at their option, remove from said real estate any trees, over-hanging branches, bushes or other perennial growth or other obstructions which might endanger the safety or interfere with the use of said poles, crossarms, structures, conduits, ducts, mains, pipes, wires, cables, guys and other equipment and appurtenances or any structure on the above described real estate; of full and complete right of ingress and egress to and over the above described real estate, and to and over adjoining lands of the Grantors where a public street or highway does not adjoin the above described real estate, at any and all times, for doing anything necessary, useful or convenient for the enjoyment of the easement herein granted; and of full and complete rights, easements, privileges and appurtenances in or to said real estate which may be required for the full enjoyment of the rights herein granted. Any damages to crops, fences, drains, ditches or buildings of the Grantors on lands of the Grantors adjoining the real estate above described, caused by the construction, operation and maintenance of any of the facilities covered by this easement, shall be paid for by the Grantee or Grantees causing such damage. All claims for damages caused in the construction, operation and maintenance of said facilities, shall be made at or mailed to the office of the Grantee or Grantees alleged to have caused such damage within thirty (30) days after such damage accrue. If Grantors and Grantees cannot agree on the amount of damages, the same shall be arbitrated.

The Grantors reserve the use of the above described land not inconsistent with this grant.

The undersigned hereby covenant that they are the owners in fee simple of the above described real estate, are lawfully seized thereof, and have good right to grant and convey said easement herein, and guarantee the quiet possession thereof, and that the Grantors will warrant and defend the title to the said easement against all lawful claims.

These presents to be binding on the Grantors and their respective executors, administrators, grantees, successors and assigns, and upon the Grantees and their respective successors and assigns.

IN WITNESS WHEREOF, the Undersigned Grantors have executed this instrument this 23 day of Jan, 1961.

Grantors

Lot Number

Charles S. Nash

Charles S. Nash

Lot No. 29

John H. Vesey's 3rd Add.

Luretta M. Nash

Luretta M. Nash

Lot No. 1

France Addition

CITY OF FORT WAYNE  
BY: BOARD OF PUBLIC WORKS

Old Feeder Canal

Paul F. Roembke

Paul F. Roembke

John D. Lombard

Berkeley Ward

Berkeley Ward

STATE OF INDIANA }  
COUNTY OF ALLEN } SS:

This instrument was prepared by  
DONALD E. BODEKER  
Employee of The City Of Fort Wayne  
on its behalf.

Before me, the undersigned, a Notary Public in and for said County and State, this 23 day of January, 1961, personally appeared: Charles S. Nash, Luretta M. Nash and Ralph C. Dunn, and acknowledged the execution of the above and foregoing Grant of Easement as his/her/their voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

My Commission Expires:

Jan 23, 1965

Albert J. Lombard  
Notary Public Allen Co., Indiana

STATE OF INDIANA)

)SS:

COUNTY OF ALLEN )

Before me, a Notary Public in and for said County and State, personally appeared John D. Lombard, Berkeley Ward, members of the Board of Public Works of the City of Fort Wayne, Indiana, Grantors in the above and foregoing GRANT OF EASEMENT, who acknowledged the execution thereof to be their voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

My Commission Expires: Feb 4 1965

Dated this 23rd day of August, 1961.

Irene M. Cline  
Notary Public Irene M. Cline

ENGINEERING  
DEPT. OF STREETS

DATE August 22, 1961 4 8-29 NOTED

TO: Board of Public Works

P.F.R.  
 J.D.L.  
 B.W.

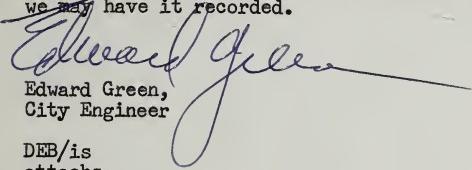
SUBJECT: Board Order No. 30-1960

Date Kelle

The easement grant is attached for Declaratory Resolution No. 1046-1961 which provides for the vacation of Canal Terrace from the south property line of Dalgren Avenue to the south property line of the first alley south of Dalgren Avenue, except a circular portion at the north end.

The east one-half of vacated Canal Terrace reverts to the City of Fort Wayne as a result of owning the Old Feeder Canal. It will therefore be necessary that the easement grant be signed by the Board Members and notarized.

Please return the grant to this office, after it has been signed, so that we may have it recorded.

  
Edward Green,  
City Engineer

DEB/is  
attachs.

cc: Mayor Burns

RECEIVED  
AUG 28 1961  
RECEIVED

GRANT OF EASEMENT

THIS INDENTURE WITNESSETH, That the Undersigned Grantors, each over the age of twenty-one (21) years, for and in consideration of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged by the Grantors, do hereby CONVEY and WARRANT to the following named Grantees, and each of them, and their respective successors and assigns, namely, to-wit: INDIANA & MICHIGAN ELECTRIC COMPANY, an Indiana corporation, NORTHERN INDIANA PUBLIC SERVICE COMPANY, an Indiana corporation, GENERAL TELEPHONE COMPANY OF INDIANA, INC., an Indiana corporation, and CITY OF FORT WAYNE, INDIANA, a municipal corporation of the State of Indiana, a perpetual right of way and easement with the right, privilege and authority to the Grantees and each of them and to their respective successors and assigns (1) to construct, erect, operate, maintain, repair, renew and replace a line or lines (overhead and/or underground) with all necessary or convenient poles, crossarms, structures, conduits, ducts, wires, cables, guys and other equipment and appurtenances, for the transmission, distribution and delivery of electrical energy or other power to the Grantees and each of them and to other persons, firms and corporations and to the public in general for light, heat, power, telephone, telegraph and all other purposes whatsoever in, upon, along, over, under, through or across the real estate hereinafter described; and (2) to lay, install, construct, operate, maintain, repair, renew and replace mains and a line or lines of pipe, with all necessary and convenient services, pipes, lines, connections, meters and other equipment and appurtenances, for the transportation and distribution of gas, water and/or sewage to the Grantees and each of them and to other persons, firms and corporations and to the public in general for light, heat, power and all other purposes whatsoever in, upon, along, over, under, through or across the real estate described below and being as follows:

Beginning at the southeast corner of Lot No. 29, John H. Vessey's 3rd

Addition to the City of Fort Wayne, Indiana; thence in a northeasterly direction along the easterly line of said Lot No. 29, a distance of 134.23 feet, to a point located 20.6 feet southwest of the northeast corner of said Lot No. 29; thence in an easterly direction along the arc of a curve having a 40-foot radius, a distance of 83.7 feet, to the intersection of the south line of Dalgren Avenue with the easterly line of Canal Terrace; thence in a southwesterly direction along the easterly line of Canal Terrace, a distance of 168.49 feet, to its intersection with the south line extended of the first alley south of Dalgren Avenue; thence west along the south line of said alley, a distance of 50.38 feet; thence north on a line parallel to the west line extended of said Lot No. 29, a

distance of 12 feet, to the point of beginning.

TOGETHER with the right, privilege and authority to the Grantees, and each of them, and their respective successors and assigns, to cut and, at their option, remove from said real estate any trees, over-hanging branches, bushes or other perennial growth or other obstructions which might endanger the safety or interfere with the use of said poles, crossarms, structures, conduits, ducts, mains, pipes, wires, cables, guys and other equipment and appurtenances or any structure on the above described real estate; of full and complete right of ingress and egress to and over the above described real estate, and to and over adjoining lands of the Grantors where a public street or highway does not adjoin the above described real estate, at any and all times, for doing anything necessary, useful or convenient for the enjoyment of the easement herein granted; and of full and complete rights, easements, privileges and appurtenances in or to said real estate which may be required for the full enjoyment of the rights herein granted. Any damages to crops, fences, drains, ditches or buildings of the Grantors on lands of the Grantors adjoining the real estate above described, caused by the construction, operation and maintenance of any of the facilities covered by this easement, shall be paid for by the Grantee or Grantees causing such damage. All claims for damages caused in the construction, operation and maintenance of said facilities, shall be made at or mailed to the office of the Grantee or Grantees alleged to have caused such damage within thirty (30) days after such damage accrues. If Grantors and Grantees cannot agree on the amount of damages, the same shall be arbitrated.

The Grantors reserve the use of the above described land not inconsistent with this grant.

The undersigned hereby covenant that they are the owners in fee simple of the above described real estate, are lawfully seized thereof, and have good right to grant and convey said easement herein, and guarantee the quiet possession thereof, and that the Grantors will warrant and defend the title to the said easement against all lawful claims.

These presents to be binding on the Grantors and their respective executors, administrators, grantees, successors and assigns, and upon the Grantees and their respective successors and assigns.

IN WITNESS WHEREOF, the Undersigned Grantors have executed this instrument this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Grantors

Lot Number

Charles S. Nash

Lot No. 29

John H. Vesey's 3rd Add.

Loretta M. Nash

Lot No. 1

France Addition

CITY OF PORT WAYNE  
BOARD OF PUBLIC WORKS

Old Feeder Canal

Paul F. Kuehnke

John D. Lombard

Berkley Ward

STATE OF INDIANA }  
} 1965

COUNTY OF ELLEN

Know all, the undersigned, a Notary Public in and for said County and State, this 1st day of January, 1965, witnessed the execution of the above and foregoing Grant or Easement as his/her their voluntary act and deed.  
IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

My Commission Expires

Jan 2, 1965

Notary Public



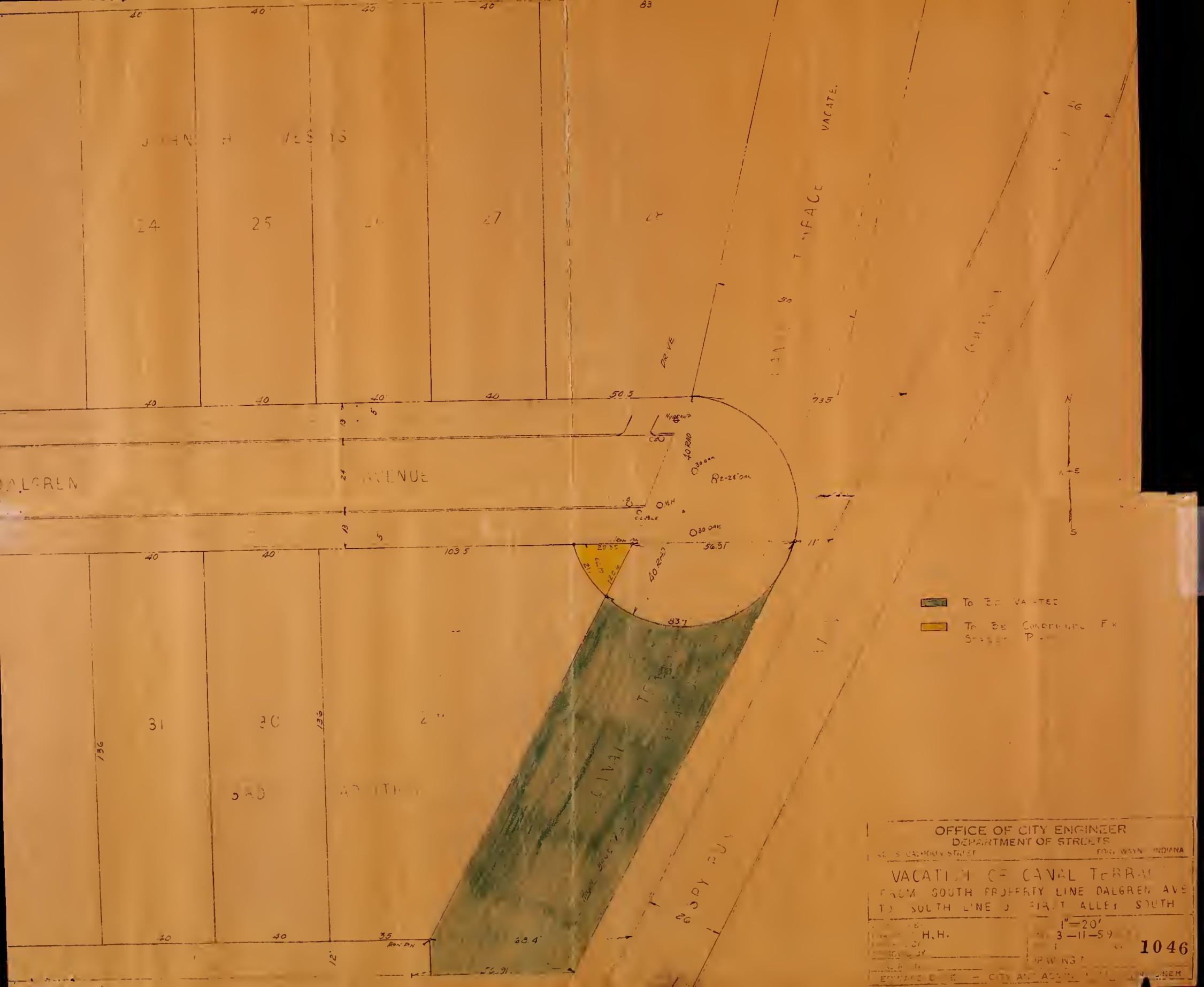
STATE OF INDIANA }

COUNTY OF ELLEN }

Know all, the Notary Public in and for said County and State, personally appeared to me, John D. Lombard, and Berkley Ward, members of the Board of Public Works of the City of Port Wayne, Indiana, Grantees in the above and foregoing GRANT OF EASEMENT, who acknowledged the execution thereof to be their voluntary act and deed.

In witness whereof, I have hereunto subscribed my name and affixed my official seal.  
My Commission Expires Feb 1, 1965

Notary Public



DECLARATORY

**Improvement Resolution No. 1046 For The Vacation Of Canal Terrace From The South Property**

LINE OF DALGREN AVENUE TO THE SOUTH PROPERTY LINE OF THE FIRST ALLEY SOUTH OF DALGREN AVENUE, EXCEPT  
A CIRCULAR PORTION AT THE NORTH END.

	OWNER'S NAME	ADDRESS	R. P. O.	NUMBER OF			DESCRIPTION
				LOT	BLOCK	O. L.	
1	NASH, CHARLES S. & LURETTA M.	460 Dalgren Ave		29			JOHN H. VESEYS 3RD ADD.
2	TARMON, LUILLA E.	449 "		30			"
3	MESSERSCHMIDT, CARL H. & LOIS T.	502 Dalgren Ave.		31			"
4	DECKER, MAXWELL G. & VERA L.	441 Dalgren Ave.		32			"
5	LEININGER, MARTIN E. & CLARA M.	247 Meissner Park		33			"
6	SPRINGER, FREDERICK G. & ANNA M.	440 Dalgren Ave.		34			"
7	MEINERS, JOHN & EMMA	430 "		35			"
8	DUNN, RALPH C.	417 Greenlawn Ave.		1			FRANCE ADD.
9	" "	" "		2- E. 10'			"
10	FISHEE, DAVID M. & DOROTHY HOOD	433 Dunnwood Dr.		2- W. 50' of E. 60'			"
11	SOUCIE, HARRY N. & ANNA BELLE	1210 Sinclair St.		2- W. 50' of E. 110'			"
12	WHITEHURST, EARL H. & LORINE M.	1225 Dunnwood Dr.		2- W. 40'			"
13	CITY OF FORT WAYNE	CITY HALL					OLD FEEDER CANAL BED EAST OF PROPOSED VACATED CANAL TERRACE
14							
15							
16							
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19							
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22							
23							
24	NOTICES MAILED OR SERVED						
25	June 30, 1961						
26	By Irene M. Cline						
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